

Democrats, Group Seek Probe of GOP, Westar

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Prominent Democrats and a consumer advocacy organization yesterday called on the Justice Department to investigate \$56,500 in campaign contributions by a Kansas-based energy company that had sought a "seat at the table" as key Republicans worked out details of the Bush administration's energy bill.

The money went to political groups associated with GOP leaders, including Rep. Joe Barton (Tex.), who inserted a provision to exempt the company, Westar Energy Inc., from a troublesome federal regulation, and House Majority Leader Tom DeLay (Tex.) The provision was later withdrawn after Westar became the subject of a federal investigation of the company's practices. In e-mails, company officials had written of a plan "for participation" in the legislation and had said that Barton and other GOP lawmakers had requested the contributions.

"These allegations should be fully investigated. If DeLay and other members of Congress did agree to sell political access, they should be prosecuted for violating bribery laws," said former Vermont governor Howard Dean, who is seeking the Democratic presidential nomination.

"It is a serious federal crime for anyone to promise any public benefit 'provided for or made possible in a whole or in part by any act of Congress as consideration for any political activity or for the support of any candidate,' " Democratic Party Chairman Terence McAuliffe said yesterday in a letter to Attorney General John D. Ashcroft, requesting an investigation.

Public Citizen asked the Justice Department to investigate as well, calling the allegations a possible "violation of federal anti- bribery statutes and [a] potential breach of campaign finance law."

Barbara Comstock, a Justice Department spokeswoman, declined to comment on the requests.

A Westar executive had written in an e-mail that the company needed to make contributions to GOP groups associated with Barton, DeLay, Rep. W.J. "Billy" Tauzin (La.) and Sen. Richard C. Shelby (Ala.). The e-mail said Tauzin and Barton had requested the donations and that Shelby had requested a contribution for another candidate. It did not mention a request from DeLay.

Spokespersons for the four lawmakers have denied any wrongdoing and specifically rejected the implication that the campaign contributions were a quid pro quo for legislative action on the provision to the bill sought by Westar.

The Kansas City Star first reported some details of the e-mails last month. The Washington Post and the Associated Press reported more details yesterday.

Westar put the e-mails on its Website as part of a much larger disclosure of an internal investigation into allegedly corrupt practices at the company. The company has acknowledged that it is under investigation by the U.S. Attorney's Office in Topeka, Kan., and by the Securities and Exchange Commission.

Among the e-mails is one from May 20, 2002, in which Westar Vice President Douglas Lawrence wrote to Douglas T. Lake, an executive vice president, and said:

"We are working on getting our grandfather provision on PUHCA repeal into the Senate version of the energy bill. It requires working with the Conference committee We have a plan for participation to get a seat at the table, which has been approved by David [Wittig, then Westar's chief executive], the total of the package will be \$31,500 in hard money (individual), and \$25,000 in soft money (corporate)."

PUHCA is the Public Utility Holding Company Act. Hard and soft money refer to types of campaign contributions.

Lawrence wrote that Tauzin and Barton "are key House Conferees on our legislation. They have made this request" for contributions to other Republican candidates "in lieu of contributions made to their own campaigns." Shelby, according to Lawrence, is "the lead Republican on all Senate PUHCA-related matters. He is our anchor on the Senate side. He made a substantial request of us for supporting" his former aide Tom Young, running for a House seat from Alabama.

In roughly the same period, according to Samantha Jordan, spokeswoman for Barton, staffers on the Energy and Commerce Committee began drafting legislative language that would have provided just what Westar was seeking: exemption from the regulatory authority of the Investment Company Act.

In May 2002, Westar made a corporate contribution of \$25,000 to DeLay's Texans for a Republican Majority PAC, a Texas committee that supported Republicans running for the legislature. On May 31, according to PoliticalMoneyLine, a Web site that tracks campaign contributions, Westar officials, officials of its Washington lobbying firm, Government Strategies Inc., and their spouses gave a total of \$16,000 to Young.

In September a conference committee met to iron out differences in the House and Senate versions of the energy bill. Jordan and Tauzin spokesman Ken Johnson said Barton added provisions to the House bill that included the Westar amendment.

Democratic Rep. Edward J. Markey (Mass.) sought to strip out the Westar amendment, but he lost in a straight partisan vote, with DeLay, Barton and Tauzin all backing the Westar amendment.

Last September, the Wichita Eagle reported that the provision was critical for Westar and its executives. If the amendment were successful, it would allow company CEO David Wittig and Lake to split the company up in a deal that would garner Wittig as much as \$15 million and Lake as much as \$12 million.

Two weeks after the committee vote came the disclosure that federal authorities were investigating Westar. On Sept. 30, Barton moved to strike the bill's Westar provisions.